

RECEIVED  
CENTRAL FAX CENTER

001/002

NOV 06 2006

60137-231; 265-3038-U

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Llewellyn  
Serial No.: 10/768,377  
Filed: 1/30/2004  
Art Unit: 3721  
Examiner: Durand, Paul R.  
Title: **TWO SHOT POWER NAILER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Dear Sir:

This is in reply to the Examiner's Answer mailed September 6, 2006.

**Arguments With Regard to Claim 1**

The examiner now argues that the position sensor 50, as shown in Figure 6 of appellant's application, is only generically disclosed. Thus, the examiner argues that the control for cycling the power supplies in the Yiu reference would meet the claim broadly.

As discussed, for example, in paragraphs 22 and 26 of appellant's specification, in the absence of a position sensor for sensing the position "of the plunger," an associated spring and the power of a drive coil must all be designed in combination with the power curves such that the momentum of the driving movement is optimized.

In contrast, in the embodiments shown in appellant's Figure 6, an actual position sensor senses the position of the plunger, and simply the design. Any type of position sensor may well be utilized, however, it must be a position sensor that can sense the position "of the plunger."

Yiu does not sense the position of its piston, but perhaps must design the springs, etc., to actually function.

60137-231; 265-3038-U

The examiner argues that a photodiode which turns on would meet the sensor claims,, but this is simply not a fair interpretation of the claim. It appears that all of the control in Yiu occurs simply in timed order, and in response to electrical signals. There is no indication that any actual position of the sensor is sensed.

The same is true with regard to claim 17.

**The Rejection of Claims 21 and 22 is also Improper**

Claims 21 and 22 require that there is a capacitor storing energy for driving the plunger. The examiner argues that a capacitor 34 in Yiu, which is performing an entirely different function, would meet the limitations. The examiner's argument that the Yiu capacitor can "provide power" to other electric parts is not an anticipation of the specific language as found in the claims 21 and 22.

**Closing**

For the reasons set forth above, reversal of all rejections is in order. An indication of such is solicited.

Respectfully submitted,

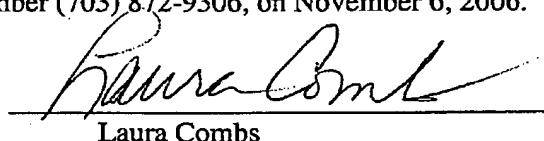


Theodore W. Olds, Reg. No. 33,080  
Carlson, Gaskey & Olds  
400 W. Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: November 6, 2006

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on November 6, 2006.

  
Laura Combs